



AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 16, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: GPA-12274 - APPLICANT/OWNER: MARISELA CARDONA

THIS ITEM WAS HELD IN ABEYANCE FROM THE JUNE 7, 2006 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend DENIAL, subject to:

**** STAFF REPORT ****

APPLICATION REQUEST

This application seeks to change the General Plan land use designation of the subject property located at 814 North Tonopah Drive from L (Low Density Residential) to M (Medium Density Residential). Applications for a Rezoning (ZON-12276) and a Site Development Plan Review (SDR-12272) accompany this item.

EXECUTIVE SUMMARY

The proposed amendment that would increase density by up to eight times the current ratio is inappropriate for the area, which consists primarily of large lots and low densities. The site is currently located within the Rural Preservation Overlay District, where good cause must be shown to increase density. As adequate justification has not been shown, the recommendation is for denial.

BACKGROUND DATA

- | | |
|----------|---|
| 08/07/85 | The City Council approved the Community Profiles of the city of Las Vegas General Plan by Resolution. On this plan, the subject properties were designated for L (Low Density Residential) land uses with a maximum density of up to six dwelling units per acre. |
| 03/12/92 | The Planning Commission approved the three Land Use Sector Maps of the General Plan. |
| 08/18/99 | The City Council approved GPA-0023-99, which amended the density range for the Low Density Residential land use category to allow a maximum of 5.49 units per acre and Medium Density Residential up to 25 units per acre. |
| 09/06/99 | The City Council approved GPA-0010-00 to amend portions of the Southeast Sector Plan to indicate areas of potential transition, correct errors from GIS data conversion, and match actions since 1996. |
| 09/06/00 | The City Council approved the Las Vegas 2020 Master Plan. This site is within the Neighborhood Revitalization Area as described in the Plan. |
| 09/07/05 | The City Council approved an update of the Southeast Sector Map (GPA-6864) of the city of Las Vegas Master Plan. On this map, the subject property was designated for L (Low Density Residential) land uses. |

- 10/05/05 The City Council approved an ordinance (Ord. No. 5791) creating the Rural Preservation Overlay District (RPOD). The subject site is wholly located within the District.
- 04/27/06 The Planning Commission recommended denial of companion items ZON-12276 and SDR-12272 concurrently with this application.
- 04/27/06 The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #40/ss).

DETAILS OF APPLICATION REQUEST

Site Area: 1.62 acres

EXISTING LAND USE

Subject Property: Single Family Dwellings
North: Multi Family Dwellings (Apartments)
South: Single Family Dwellings
East: Undeveloped
West: Apartments
Townhouses

PLANNED LAND USE

Subject Property: L (Low Density Residential)
North: M (Medium Density Residential)
South: L (Low Density Residential)
East: L (Low Density Residential)
West: M (Medium Density Residential)

EXISTING ZONING

Subject Property: R-E (Residence Estates)
North: R-3 (Medium Density Residential)
South: R-PD3 (Residential Planned Development – 3 Units Per Acre)
East: R-E (Residence Estates)
West: R-3 (Medium Density Residential) and R-PD16 (Residential Planned Development – 16 Units Per Acre)

<i>SPECIAL DISTRICTS/ZONES</i>	YES	NO
SPECIAL PLAN AREA	X	
RURAL PRESERVATION NEIGHBORHOOD	X	
RURAL PRESERVATION NEIGHBORHOOD BUFFER		X
PROJECT OF REGIONAL SIGNIFICANCE		X

The site is located within the West Las Vegas Plan area. The Plan projects a L (Low Density Residential) land use for the area east of Tonopah Drive and south of Washington Avenue, of which this site is a part. This would change to M (Medium Density Residential) if the companion General Plan Amendment (GPA-12274) is approved.

The entire subject site is located within the Rural Preservation Overlay District (RPOD) as described in Title 19.06.150. Detailed information about how the District relates to the site can be found below.

<i>EXISTING GENERAL PLAN DESIGNATION</i>	<i>PERMITTED DENSITY</i>	<i>PROPOSED GENERAL PLAN DESIGNATION</i>	<i>PERMITTED DENSITY</i>
L (Low Density Residential)	5.49 du/ac	M (Medium Density Residential)	25.49 du/ac

The existing L (Low Density Residential) General Plan Designation will permit a maximum density of development of 5.49 units per gross acre or eight lots for the 1.62 acres of the subject property. The request to amend the land use classification to M (Medium Density Residential) would permit a maximum density of 25.49 units per acre or 41 units. Land to the north and west is already designated M (Medium Density Residential).

DEFINITIONS

L (Low Density Residential) (3.6 to 5.49 units/gross acre.) This category permits single-family detached homes, manufactured homes on individual lots, gardening, residential planned developments, and planned community developments. Local supporting uses such as parks, other recreation facilities, schools, and churches are allowed in this category.

M (Medium Residential) (12.5 to 25.49 dwelling units/gross acre.) The Medium Residential category permits a maximum of 25 dwelling units per gross acre. This category includes a higher density variety of multi-family unit types.

INTERAGENCY ISSUES

SPECIAL PLAN AREA

The subject site is located within the West Las Vegas Plan area. The Plan identifies this area as primarily consisting of multi-family units and a variety of single-family custom houses. The goal for land use in West Las Vegas is to achieve a balanced mix of land uses and community facilities and provide a coordinated circulation system to meet the needs of neighborhood residents. The proposed increase in density on a single lot next to existing low density uses is explicitly discouraged by the plan.

RURAL PRESERVATION OVERLAY DISTRICT (RPOD)

The entire subject site is located within the Rural Preservation Overlay District (RPOD) as described in Title 19.06.150. The intent of this overlay district is to maintain a rural character for the neighborhood and to provide adequate buffer areas and an orderly and efficient transition of land uses. Land is disqualified from status as a Rural Preservation Neighborhood, or as a required buffer, if it is closer than 330 feet to a road greater than 99 feet in width. In this case, Washington Avenue is designated as an 80-foot Secondary Collector street on the Master Plan of Streets and Highways; therefore, the site is subject to the restrictions of the RPOD. Although the site is currently located within the RPOD, it does not meet the definition of a Rural Preservation Neighborhood and may be removed from the RPOD at a later date. Even if that were to occur, the subject site would still be located within the 330-foot buffer surrounding the existing Rural Preservation Neighborhoods, which extend north of Washington Avenue. Good cause must still be shown to justify approval of a General Plan Amendment or Rezoning application to increase the density or intensity of use on the site.

PROJECTS OF REGIONAL SIGNIFICANCE IMPACT REPORT

The Southern Nevada Regional Policy Plan, approved February 22, 2001, set out a requirement for local entities to establish a means of identifying Projects of Regional Significance (PRS), and of addressing the impacts of these projects. The city of Las Vegas, through Ordinance No. 5477, has established such a process. Pursuant to this Ordinance, staff has determined that this proposed General Plan Amendment and its companion items would not meet the definition of a Project of Regional Significance as defined in the ordinance.

ANALYSIS

The area on the west side of Tonopah contains both existing M (Medium Density Residential) and H (High Density Residential) Master Plan designations. However, the area east of Tonopah, of which this site is a part, primarily consists of large lots. The proposed land use change would be an inappropriate transition from low to high density. The site is currently located within the Rural Preservation Overlay District and even though this site may be removed from Rural Preservation Neighborhood status in the future, it would still be located within a buffer zone, where good cause must be shown to justify a request for an increase in density. As the density increase is inappropriate for this site, the recommendation is for denial.

FINDINGS

Section 19.18.030.I of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,

2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,
3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and
4. The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.

In regard to “1”:

A change to the M (Medium Density Residential) land use designation would allow up to 25.49 dwelling units per acre. Land to the north and west is already designated M (Medium Density Residential); however, land to the south and east is designated L (Low Density Residential), and contains properties zoned for two to three dwelling units per acre. Moreover, the area east of Tonopah is located within a Rural Preservation Neighborhood and is in the Rural Preservation Overlay District, where a rural character should be maintained.

In regard to “2”:

The proposed amendment would allow rezoning of the subject property from R-E (Residence Estates) to R-3 (Medium Density Residential) or R-PD (Residential Planned Development) with a density between 12.50 and 25.49 units per acre. However, the R-PD district is inappropriate for this site, as it cannot meet the minimum five acre site area requirement. Furthermore, these districts are not compatible with existing R-E (Residence Estates) and R-PD3 (Residential Planned Development – 3 Units per Acre) zoned properties to the south and east and more generally, the entire area south of Washington Avenue and east of Tonopah Drive.

In regard to “3”:

There will be adequate transportation, recreation, utility, and other facilities to accommodate any multi-family residential project proposed for the site. Tonopah Drive, a 60-foot right-of-way, is capable of handling the traffic expected in association with development of the site. The site is nearest the Downtown Area Command of the Las Vegas Metropolitan Police Department. Fire Station #3, which is approximately 0.4 mile away at 2645 West Washington Avenue, is the closest city facility to the site. Clarence Ray Memorial Park, located at the northwest corner of Washington Avenue and Tonopah Drive, is the closest city park to the site. Hoggard Elementary School is located 400 feet away.

In regard to “4”:

The West Las Vegas Plan recommends against allowing rezoning for land uses other than those designated on the Future Land Uses Map in the Plan.

GENERAL PLAN AMENDMENT NEIGHBORHOOD MEETING

Per policy set forth in the city of Las Vegas application packet, a neighborhood meeting shall be held with the surrounding property owners. The applicant is requested to hold this meeting within 14 days of the closing date of this application. In accordance with the above, on 03/22/06 a neighborhood meeting sponsored by the applicant was held at the Boys & Girls Club, 800 N. Martin Luther King Boulevard. Ten neighborhood residents attended and had the following concerns and comments:

- The project should have a perimeter wall and dense landscaping to screen the buildings from the adjacent single-family residences.
- Concerns were raised about the maintenance of the apartment complex immediately north of the subject site.
- Residents wanted the units to be owner-occupied, rather than rental units, and that the CC&R's for the property should prevent owners from renting or leasing the units for two years.
- Concern about maintenance requirements and formation of an HOA.

The applicant committed to construct an eight-foot high perimeter wall. The applicant agreed to requiring that owners be restricted from leasing units for two years. The applicant stated that no variances or waivers were being requested, and that they would be including additional landscape materials in the buffer areas to screen the project from adjacent properties. Later, the applicant changed the request from apartments to condominiums and redesigned the site to avoid a Residential Adjacency variance.

PLANNING COMMISSION ACTION

There were three speakers in protest at the Planning Commission meeting.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

NOTICES MAILED 221 by Planning Department

APPROVALS 0

PROTESTS 0